

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

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|--|---|------------------------------------|
| BABYAGE.COM, INC., | : | |
| | : | |
| Plaintiff-Counterclaim Defendant | : | CIVIL ACTION NO. 3:07-CV-01600-ARC |
| | : | |
| v. | : | |
| | : | Judge A. Richard Caputo |
| LEACHCO, INC., | : | |
| | : | |
| Defendant-Counterclaim Plaintiff/ Third Party Plaintiff | : | Filed Electronically |
| | : | |
| and | : | |
| | : | |
| JAMIE S. LEACH, | : | |
| | : | |
| Counterclaim Plaintiff/ Third Party Plaintiff | : | |
| | : | |
| v. | : | |
| | : | |
| JOHN M. KIEFER, JR., | : | |
| | : | |
| Third Party Defendant | : | |

MOTION FOR PARTIAL SUMMARY JUDGMENT

NOW COMES, the Plaintiff-Counterclaim Defendant, BabyAge.com, Inc. (hereinafter "BabyAge"), by and through its attorney, Andrew J. Katsock, III, Esquire, and for this, its Motion for Partial Summary Judgment, pursuant to Fed. R. Civ. P. 56(b), would respectfully state and show as follows:

1. The allegations of the counterclaims of Defendant-Counterclaim Plaintiff, Leachco, Inc., and Counterclaim Plaintiff, Jamie S. Leach, taken together with the Court's Memorandum Opinion of September 18, 2008, establish that there are no material facts in dispute, and BabyAge is entitled to judgment as a matter of law.

2. Attached hereto is a proposed Order for the Court's consideration.

WHEREFORE, it is respectfully moved that judgment be entered in favor of Plaintiff-Counterclaim Defendant, BabyAge.com, Inc., and against Defendant-Counterclaim Plaintiff, Leachco, Inc., and Counterclaim Plaintiff, Jamie S. Leach, on the counterclaims, that the counterclaims be dismissed with prejudice, and that Plaintiff-Counterclaim Defendant be awarded such other and additional relief as may be just and proper under the circumstances.

Respectfully submitted,

Date: October 7, 2008

/s/ Andrew J. Katsock, III, Esquire
ANDREW J. KATSOCK, III, ESQUIRE
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